

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

17602 U.S. PRO
10/607739
06/27/03

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231



21839

Sir:



This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of the following pending application, by the following named inventor(s):

Application No. 09/948,720 Filed: September 10, 2001

Title: Fire Resistant Coespun Yarn and Fabric Comprising Same

Inventor(s): Frank J. Land

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

☐ Applicant(s) hereby request(s) that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and patent.

- ☒ Applicant(s) requests that the published application include the following assignment information:
McKinnon-Land, LLC

1. ☒ Enclosed is a copy of the prior Application No. 09/948,720 as originally filed on September 10, 2001, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☒ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment.

CLAIMS					
	No. of Claims		Extra Claims	Rate	Fee
Basic Application Fee (1001)					\$ 750.00
Total Claims	2	MINUS 20 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	1	MINUS 3 =	0	x \$84.00 (1201) =	\$ 0.00
If multiple dependent claims are presented, add \$280.00 (1203)					
Total Application Fee					\$ 750.00
<input checked="" type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Application Fee					\$ 375.00
Add Assignment Recording Fee of \$40.00 (8021) if Assignment document is enclosed.					
TOTAL APPLICATION FEE DUE					\$ 375.00

5. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☒ Charge \$ 375.00 to Deposit Account No. 02-4800 for the fee due.
7. ☐ A check in the amount of _____ is enclosed for the fee due.
8. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
9. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee.
10. ☐ New drawings are enclosed.
11. ☐ Applicant(s) claims priority under 35 U.S.C. § 119 of the following application(s):

_____ Country _____ Application No. _____ Filing Date _____

_____ Country _____ Application No. _____ Filing Date _____

- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on _____ in prior Application No. _____, filed on _____, and acknowledged by the Examiner on _____ in Paper No. _____.
- ☐ has not yet been filed.

12. ☒ Please amend the specification by inserting before the first line the sentence:

☒ --This application is a ☐ continuation ☒ divisional of Application No. 09/948,720 filed on Sept. 10, 2001, which is a continuation of 09/624,772, filed on July 25, 2000, which is a continuation of 09/406,732 filed on Sept. 28, 1999.

☐ --This application is a ☐ continuation ☐ divisional of Application No. _____, filed on _____, which was a national stage filing under 35 U.S.C. § 371 of International Application No. _____ filed on _____.--

☐ --This application is a ☐ continuation ☐ divisional of Application No. _____, filed on _____, which was a continuation of International Application No. _____, filed on _____.--

13. ☒ A preliminary amendment is enclosed.

14. ☐ An Information Disclosure Statement is enclosed.

15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

16. ☐ Also enclosed is _____

17. ☒ The power of attorney in the prior application is to Ronni S. Jillions

a. ☒ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☐ Recognize as Associate Attorney _____

d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Burns, Doane, Swecker & Mathis, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

June 27, 2003
Date

By: Mary B. Grant
Mary B. Grant
Registration No. 32,176

Address of signator:

Burns, Doane, Swecker & Mathis, L.L.P.
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Alexandria, Virginia 22313-1404
(703) 836-6620

☐ inventor(s)
☐ assignee of complete interest
☐ attorney or agent of record
☒ filed under 37 C.F.R. § 1.34(a)

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

"Express Mail" Mailing Label No.: EL581397209 US Date of Deposit: June 27, 2003

Donnie S. Dietrich
Donnie S. Dietrich